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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,560	09/22/2003	Robert P. Bartholomew	4164-195	2920

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EXAMINER

LEUNG, JENNIFER

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

44

Office Action Summary	Application No.	Applicant(s)	
	10/668,560	BARTHOLOMEW ET AL.	
	Examiner	Art Unit	
	Jennifer Leung	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-92 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/6/04;9/10/04;6/4/04;3/26/04;2/26/04.

DETAILED ACTION

Claim Objections

1. Claims 24, 38, 59, and 73 are objected to because of the following informalities:

Claims 24 and 59: "handlers" should be -- handles --.

Claims 38 and 73: "a second player" should be -- the player --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-23, 25, 27-37, 39, 42-43, 45-46, 48-49, 51-54, 57-58, 60, 62-72, 74, 77-78, 80-81, 83-89, and 92 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (US 6,146,273).**

Re claim 1. Olsen discloses a system for awarding a random bonus award, comprising: a gaming machine (Fig. 1); a set of bonus awards including at least two bonus awards (294, Fig. 2); a criterion dependent on at least one of a status of a player and/or an action of the player (col. 3, lines 60-65); a selector to select a bonus award at random from the set of bonus awards (292, Fig. 2); and an awarder to deliver the selected bonus award to the player after the player meets the criterion (254, Fig.2).

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Re claim 2. A system according to claim 1, further comprising a player identifier connected to the gaming machine (col. 12, lines 45-55).

Re claim 3. A system according to claim 2, wherein the player identifier includes a card reader (col. 12, lines 45-55).

Re claim 4. A system according to claim 2, wherein the selector is operative to select the bonus award after the player is identified by the player identifier (col. 12, lines 45-55).

Re claim 5. A system according to claim 2, wherein the selector is operative to select the bonus award after the player is identified by the player identifier and before the player begins play on the gaming machine (col. 12, lines 45-55).

Re claim 6. A system according to claim 1, wherein the selector is operative to select the bonus award before the player begins play on the gaming machine (col. 12, lines 45-55).

Re claim 7. A system according to claim 1, wherein: the system further comprises an identifier if a bonus session is active; and the selector is operative to select the bonus award only if the identifier indicates that the bonus session is active (col. 3, lines 40-45; col. 22, lines 30-35).

Re claim 8. A system according to claim 1, wherein the gaming machine includes the awarder (col. 1, lines 40-45).

Re claim 9. A system according to claim 8, wherein the awarder includes a graphical display (col. 21, lines 1-5).

Re claim 10. A system according to claim 9, wherein the gaming machine includes a primary display used to play the game, the primary display distinct from the graphical display (col. 9, lines 40-50).

Re claim 11. A system according to claim 8, wherein the awarder includes a textual display (col. 9, lines 40-50).

Re claim 12. A system according to claim 8, wherein the awarder includes: an audio message generator for generating an audio message regarding the bonus award; and a speaker for outputting the audio message to the player (col. 9, lines 40-50).

Re claim 13. A system according to claim 1, further comprising: a bonus server (200, Fig. 2), the bonus server including the criterion and the selector (262, 292, Fig. 2); and a network connecting the bonus server and the gaming machine (230, Fig. 2).

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Re claim 14. A system according to claim 13, wherein: the bonus server further comprises an identifier if a bonus session is active; and the selector is operative to select the bonus award only if the identifier indicates that the bonus session is active (col. 3, lines 40-45; col. 22, lines 30-35).

Re claim 15. A system according to claim 13, further comprising a server, the server including a player tracking database and connected to the network (col. 12, lines 45-55).

Re claim 16. A system according to claim 1, further comprising: a server (200, Fig. 2), the server including a player tracking database (col. 12, lines 45-55); and a network connecting the server, the gaming machine (230, Fig. 2), and the selector (262, 292, Fig. 2).

Re claim 17. A system according to claim 16, further comprising means for accessing the player tracking database to determine if the player meets the criterion (col. 12, lines 45-55).

Re claim 18. A system according to claim 1, wherein the set of bonus awards includes at least a first non-default award (294, Fig. 2).

Re claim 19. A system according to claim 18, wherein the set of bonus awards further includes a second non-default award (294, Fig. 2).

Re claim 20. A system according to claim 18, wherein the set of bonus awards further includes a default award (col. 24, lines 40-45).

Re claim 21. A system according to claim 20, wherein the default award is nothing (col. 24, lines 40-45).

Re claim 22. A system according to claim 1, wherein the bonus awards in the set of bonus awards are drawn from: cash, credits (col. 17, lines 5-15), and non-monetary awards (col. 25, lines 35-45).

Re claim 23. A method for awarding a random bonus award, comprising: identifying a criterion for the selection of a bonus award (col. 12, lines 45-55), the criterion dependent on at least one of a status of a player and/or an action of the player (col. 3, lines 60-65; col. 12, lines 45-55); determining that the player meets the criterion (col. 21, lines 40-45); selecting a bonus award at random from a set of bonus awards including at least two bonus awards (292, 294, Fig. 2); and awarding the selected bonus award to the player (254, Fig.2).

Re claim 25. A method according to claim 23, further comprising identifying the player of a gaming machine (col. 12, lines 45-55).

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Re claim 27. A method according to claim 23, wherein selecting a bonus award includes selecting a first non-default award from the set of bonus awards (col. 17, lines 5-15).

Re claim 28. A method according to claim 27, wherein selecting a bonus award further includes removing the first non-default award from the set of bonus awards (col. 17, lines 35-40).

Re claim 29. A method according to claim 27, wherein selecting a bonus award further includes leaving the first non-default award in the set of bonus awards (col. 17, lines 35-40).

Re claim 30. A method according to claim 23, wherein selecting a bonus award includes selecting a default award from the set of bonus awards (col. 24, lines 40-45).

Re claim 31. A method according to claim 30, wherein selecting a bonus award further includes leaving the default award in the set of bonus awards (col. 24, lines 40-45).

Re claim 32. A method according to claim 23, further comprising defining the set of bonus awards to include at least the two bonus awards (col. 17, lines 5-15).

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Re claim 33. A method according to claim 32, wherein defining the set of bonus awards includes defining the set of bonus awards to include at least a first non-default award (col. 17, lines 5-15).

Re claim 34. A method according to claim 33, wherein defining the set of bonus awards further includes defining the set of bonus awards to include at least a second non-default award (col. 17, lines 5-15).

Re claim 35. A method according to claim 33, wherein defining the set of bonus awards further includes defining the set of bonus awards to include at least a default award (col. 24, lines 40-45).

Re claim 36. A method according to claim 35, wherein defining the set of bonus awards further includes defining the set of bonus awards to include at least the first award and a plurality of default awards in a desired initial ratio (col. 17, lines 5-45).

Re claim 37. A method according to claim 35, wherein defining the set of bonus awards includes making the default award nothing (col. 24, lines 40-45).

Re claim 39. A method according to claim 23, wherein determining that a player meets the criterion includes determining that a bonus session is active (col. 3, lines 40-45; col. 22, lines 30-35).

Re claim 42. A method according to claim 39, wherein awarding the selected bonus award to the player includes awarding the selected bonus award to the player if the bonus session is active (col. 21, lines 35-50).

Re claim 43. A method according to claim 23, wherein awarding the selected bonus award to the player includes: receiving a message about the selected bonus award at a gaming machine in use by the player (col. 9, lines 40-60); verifying at the gaming machine that the player still satisfies the criterion; and awarding the selected bonus award to the player by the gaming machine if the gaming machine verifies that the player still meets the criterion for the bonus award (col. 11, lines 55-60; col. 12, lines 1-55).

Re claim 45. A method according to claim 23, wherein awarding the selected bonus award to the player includes notifying the player of the selected bonus award (col. 9, lines 40-60).

Re claim 46. A method according to claim 45, wherein notifying the player of the selected bonus award includes displaying a text message to the user (col. 9, lines 40-60).

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Re claim 48. A method according to claim 45, wherein notifying the player of the selected bonus award includes presenting an audio announcement (col. 9, lines 40-60).

Re claim 49. A method according to claim 45, wherein notifying the player of the selected bonus award includes presenting a video announcement (col. 9, lines 40-60).

Re claim 51. A method according to claim 49, wherein presenting a video announcement includes presenting an audio announcement (col. 9, lines 40-60).

Re claim 52. A method according to claim 49, wherein presenting a video announcement includes presenting the video announcement on a primary display of the gaming machine (col. 9, lines 40-60).

Re claim 53. A method according to claim 49, wherein presenting a video announcement includes presenting the video announcement on a secondary display of the gaming machine (col. 9, lines 40-60).

Re claim 54. A method according to claim 45, wherein notifying the player of the selected bonus award includes notifying the player of the selected bonus award if the selected bonus award is anything other than a default award of nothing (claim 24(d)).

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Re claim 57. A method according to claim 23, further comprising expiring the selected bonus award for the player if a condition is met, the condition drawn from a set including: a time limit; an arrival of an end of the bonus session; and the player ending play (col. 12, lines 45-55; col. 24, lines 30-40).

Re claims 58, 60, 62-72, 74, 77-78, 80-81, 83-89, and 92: For the features of these claims, see rejections of claims 23, 25, 27-37, 39, 42-43, 45-46, 48-54, and 57.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 24, 26, 38, 40-41, 44, 47, 55-56, 59, 61, 73, 75-76, 79, 82, and 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Rowe (US 2002/0187834).**

Re claims 24 and 59. Olsen discloses wherein identifying a criterion includes identifying the criterion drawn from a set including: an account of the player in a player tracking database is flagged (col. 12, lines 45-55); the player has played a minimum amount of coin-in (col. 3, lines 60-65); the player last played within a minimum amount of time; and the player has a minimum amount of continuous play (col. 11, lines 50-55).

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However, Olsen fails to disclose the following, which Rowe discloses: the player has played for a minimum amount of time (para. 0124); the player has achieved a combination of positive gaming machine outcomes (para. 0124); the player has a minimum number of handlers per trip; the player has a minimum number of handles per unit time (para. 0124).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to give the player an incentive to stay longer and make more wagers.

Re claims 26 and 61. Olsen fails to disclose a method according to claim 25, wherein: selecting a bonus award includes selecting the bonus award after the player is identified; and awarding the selected bonus award includes awarding the selected bonus award to the player before the player has begun to play the gaming machine. Rowe discloses such (para. 0129).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to attract players to gaming machines that are not being played.

Re claims 38 and 73. Olsen fails to disclose a method according to claim 23, further comprising awarding a consolation award to a second player. Rowe discloses such (para. 0129).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to prevent the player from feeling bad about not winning an award thereby giving the player an incentive to still play the gaming machine.

Re claims 40 and 75. Olsen fails to disclose a method according to claim 39, wherein determining that a bonus session is active includes: determining a type of a gaming machine being used by the player; and determining that a bonus session is active for the type of the gaming machine. Rowe discloses such (para. 0010).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to promote certain types of gaming machines.

Re claims 41 and 76. Olsen discloses a method according to claim 40, wherein identifying a bonus award includes selecting the bonus award at random from a set of bonus awards associated with the bonus session for the type of gaming machine (292, Fig.2; col.1, lines 40-45).

Re claims 44 and 79. Olsen fails to disclose a method according to claim 43, further comprising returning the selected bonus award to the set of bonus awards if the gaming machine fails to verify that the player still meets the criterion for the bonus award. Rowe discloses such (para. 0123).

While Rowe does not state that an award is returned, it would have been obvious to one of ordinary skill in the art at the time the invention was made to return the award if the player does not match the criteria in order to prevent the award from being given to an incorrect player.

Re claims 47 and 82. Olsen fails to disclose a method according to claim 46, wherein displaying a text message includes displaying the selected bonus award in the text message. Rowe discloses such (para. 0128).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to provide the player and nearby players with information as to the amount of the award.

Re claims 55-56 and 90-91. Olsen fails to disclose a method according to claim 23, further comprising identifying the player as having received the selected bonus award including identifying the player in a player tracking database as having received the selected bonus award. Rowe discloses such (para. 0005; 0121).

Therefore, in view of Rowe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to keep track of the number of awards provided to players.

5. Claims 50 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Pau (US 2002/0042294).

Re claims 50 & 85. Olsen fails to disclose a method according to claim 49, wherein presenting a video announcement includes simulating the random selection of the selected bonus award. Pau discloses such (claim 14).

Therefore, in view of Pau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to create excitement for the player as the random award is being selected.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manz discloses a gaming machine with win announcement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer Leung
July 7, 2007



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714